

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JESSIE AKAIM RUSH,

Petitioner,

v.

G.J. JANDA, Warden,

Respondent.

Case No. CV 12-4601-JAK (JEM)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

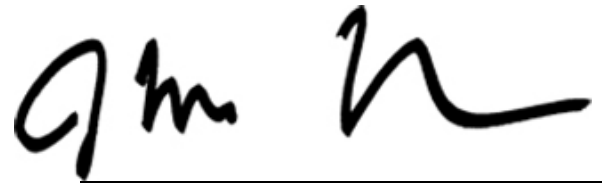
Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file, the original Report and Recommendation, and the Final Report and Recommendation of the Magistrate Judge. The Court accepts the findings and recommendations of the Magistrate Judge, as set forth in the Final Report and Recommendation.

Accordingly, **IT IS HEREBY ORDERED:** (1) Respondent's Motion to Dismiss the Petition with prejudice as untimely is denied; (2) Respondent's Motion to Dismiss the Petition without prejudice for failure to exhaust state remedies is denied in light of Petitioner's withdrawal of the unexhausted claim in Ground Six; and (3) Respondent shall file an Answer

1 to the Petition within thirty (30) days of this Order. Petitioner shall file a Reply within thirty (30)
2 days of the filing of the Answer.

3 **IT IS SO ORDERED.**

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5 DATED: 1/9/2013

A handwritten signature in black ink, appearing to read 'John A. Kronstadt', written over a horizontal line.

JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE